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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/582,569	06/12/2006	Pawel Musial	2004P00179WOUS	1636

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

EXAMINER	
KASRAIAN, ALLAHYAR	

ART UNIT	PAPER NUMBER
2617	

NOTIFICATION DATE	DELIVERY MODE
11/18/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/582,569	MUSIAL, PAWEL	
	Examiner	Art Unit	
	ALLAHYAR KASRAIAN	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 August 2011*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on _____; the restriction requirement and election have been incorporated into this action.

4)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

5)☒ Claim(s) *1-20* is/are pending in the application.

5a) Of the above claim(s) _____ is/are withdrawn from consideration.

6)☐ Claim(s) _____ is/are allowed.

7)☒ Claim(s) *1-4 and 9-20* is/are rejected.

8)☒ Claim(s) *5-8* is/are objected to.

9)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

10)☐ The specification is objected to by the Examiner.

11)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

12)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Remarks

1. The Examiner of this application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Examiner **Allahyar Kasraian**, Art Unit 2617.

2. The present Office Action is based upon the Applicant's amendment filed on 08/12/2011. **Claims 1-20** are now pending in the present application. **This Action is made NON-FINAL.**

Claim Objections

3. **Claims 3 and 20** are objected to because of the following informalities:

a) On **line 2** of **claim 3**, insert --mobile-- before "terminal"; and

b) On **line 13** of **claim 20**, replace "region" with --location-- after "determined";

(since it is assumed the term "said at least one past determined *region*" refers to "at least one past determined *location*" in lines 9-10 of the claim);

Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 10 recites the limitation "the process" in line 15 of the claim. There is insufficient antecedent basis for this limitation in the claim.

Claims 11-19 are also rejected by the virtue of their dependency on **claim 10**.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

A. **Claims 1-4, 9-13, and 18-20** are rejected under 35 U.S.C. 103 (a) as being unpatentable over **Brown et al. (US Patent # 7085818 B2)** (hereinafter Brown) in view of **Hokao (US Patent # 7142526 B1)**.

Consider **claim 1**, Brown discloses a method and a mobile terminal for providing user data pertaining to a user of a mobile terminal (FIG. 1 for wireless device 2) to a recommender system (FIGS. 1 and 2, col. 5 lines 5 lines 11-19 for PMI server 24 with PIM database 22) of a

consumer electronic device (FIGS. 1 and 2, col. 5 lines 5 lines 11-19 for server 4), the method comprising the steps of:

determining, by the terminal, a current location of the terminal (See Col. 4 lines 21-27), wherein said current location is determined after receiving a initiating signal, said initiating signal being one of a user input and a received signal (See Col. 7 lines 12-18, note that the input mechanism allows the user to input initiating signal, see Col 4 lines 49-55);

saving [, in the terminal,] an identifier of the determined location, based on a longevity of said terminal in an area proximate said current location (See Col 10 lines 26-30 and Col 14 lines 21-25, note that event identifier, the event identifier includes location identifier, see Col 13 lines 62-64); and

informing, by means of the terminal, said recommender system (e.g. PIM server "user data filtering system") of the determined location (See Col 8 lines 47-54, note that the PIM server filter out relevant user information after receiving location information and records, see Col 6 lines 1-5);

said recommender system is arranged for proposing content related to said region only if the length of time is longer than a predetermined time period (col. 9 lines 48-67 for exceeding a minimum time period that a user was at a same location (see also col. 10 lines 26-30); the proposing content is considered as calendar information, see FIGS. 9a and b col. 11 lines 29-39).

However, Brown fails to explicitly disclose the step of saving, *in the terminal*, an identifier of the determined location, based on a longevity of said terminal in an area proximate said current location is done in the terminal; and wherein said saving step comprises determining a length of time for which the terminal stays in a region.

In the same field of endeavor, Hokao discloses saving, in the terminal, an identifier of the determined location, based on a longevity of said terminal in an area proximate said current location; and wherein said saving step comprises determining a length of time for which the terminal stays in a region (FIG. 3, col. 6 line 52 to col. 7 lines 3 for memory section 8 or recording medium 9 of a mobile unit; and col 7 line 64 to col. 8 line 20 for cell (claimed area or region) identification n (cell n) and cumulative stay time T(n) stored in the memory section 8).

Therefore, it would have been obvious to a person or ordinary skill in the art at the time the invention was made to incorporate storing stay times and identification of a cell in a memory of a mobile station as taught by Hokao to the wireless device as disclosed by Brown for purpose of calculating accumulative stay time in an area (with a certain identification) in the memory of the wireless device.

Consider **claim 10**, Brown discloses a mobile terminal (FIG. 1 col. 4, lines 21-46, for wireless device 2) for providing user data pertaining to a user of said terminal to a recommender system of a consumer electronic device, the terminal comprising:

a memory (FIG. 1, it is inherently taught that every mobile or wireless device includes at least one type of memory);

a transmitter (FIG. 1, col. 4, lines 1-46, for communication layer 12);

a receiver configured for receiving a wireless signal (FIG. 1, col. 4, lines 1-46, for communication layer 12); and

a processor (FIG. 1, it is inherently taught that every mobile or wireless device includes at least a processor) for:

determining a current location of the terminal (See Col. 4 lines 21-27), wherein said

current location is determined after receiving a initiating signal, said initiating signal being one of a user input and a received signal (See Col. 7 lines 12-18, note that the input mechanism allows the user to input initiating signal, see Col 4 lines 49-55);

saving an identifier of the determined location [to said memory] based on a longevity of said terminal in an area proximate said current location (See Col 10 lines 26-30 and Col 14 lines 21-25, note that event identifier, the event identifier includes location identifier, see Col 13 lines 62-64); and

informing by means of said transmitter, said recommender system of the determined location (e.g. PIM server "user data filtering system") of the determined location (See Col 8 lines 47-54, note that the PIM server filter out relevant user information after receiving location information and records, see Col 6 lines 1-5); and

said recommender system is arranged for proposing content related to said region only if the length of time is longer than a predetermined time period (col. 9 lines 48-67 for exceeding a minimum time period that a user was at a same location (see also col. 10 lines 26-30); the proposing content is considered as calendar information, see FIGS. 9a and b col. 11 lines 29-39).

However, Brown fails to explicitly disclose the mobile terminal saving an identifier of the determined location to said memory based on a longevity of said terminal in an area proximate said current location; and wherein the process is arranged for determining a length of time for which the terminal stays in a region.

In the same field of endeavor, Hokao discloses the mobile terminal saving an identifier of the determined location to said memory based on a longevity of said terminal in an area proximate said current location and wherein the process is arranged for determining a length of

time for which the terminal stays in a region (FIG. 3, col. 6 line 52 to col. 7 lines 3 for memory section 8 or recording medium 9 of a mobile unit; and col. 7 line 64 to col. 8 line 20 for cell (claimed area or region) identification n (cell n) and cumulative stay time T(n) stored in the memory section 8).

Therefore, it would have been obvious to a person or ordinary skill in the art at the time the invention was made to incorporate storing stay times and identification of a cell in a memory of a mobile station as taught by Hokao to the wireless device as disclosed by Brown for purpose of calculating accumulative stay time in an area (with a certain identification) in the memory of the wireless device.

Consider **claims 2 and 11**, Brown in view of Hokao teaches the method and the mobile terminal of **claims 1 and 10 above**, and Brown further discloses the method wherein said terminal further includes an input device, said input device providing means for providing said initiating signal (See Col 7 lines 12-18, note that the input mechanism allows the user to input initiating signal, see Col 4 lines 49-55).

Consider **claims 3 and 12 as applied to claims 1 and 10 above**, and Hokao further discloses wherein said received signal causes said terminal to execute the steps of:

recognizing, from the signal, whether said determined location is outside a predefined home territory of the user (col. 7 lines 36-48 for codes for home and neighboring cells); and

if it is recognized that the terminal is outside the home territory, automatically and without intervention by the user other than moving the terminal to a different location, initiating a timer for starting a first predetermined time (col. 8 lines 20-31 for the timer and timeout period

related to visiting a given cell).

Therefore, it would have been obvious to a person or ordinary skill in the art at the time the invention was made to incorporate storing stay times and identification of a cell in a memory of a mobile station as taught by Hokao to the wireless device as disclosed by Brown for purpose of calculating accumulative stay time in an area (with a certain identification) in the memory of the wireless device.

Consider **claims 4 and 13 as applied to claims 3 and 12 above**, and Hokao further discloses wherein the current location determined in the determining step changes in correspondence with movement of the terminal (col. 8, lines 32-43), said current location comprising at any moment a region and a sub-region within the region, the region and sub-region being discernible by the terminal from the signal (col. 1 line 4 to col. 2 line 44, for PCCPCH code common to all the cells (claimed region) and SCH or scramble code for each cell (claimed sub-region)), the starting step further comprising the step of monitoring said signal to determine whether at least one of the region and the sub-region stays constant over said first predetermined time period (for the timer and timeout period related to visiting a given cell (claimed sub-region)).

Consider **claims 9 and 18**, Brown in view of Hokao teaches the method and the mobile terminal of **claims 1 and 10 above**, and Brown further discloses wherein the determining, saving and informing steps are initiated automatically by the terminal without intervention by the user other than moving the terminal to a different location (col. 6, lines 21-57; see also Hokao col. 7 line 64 to col. 8 line 20)

Consider **claim 19**, Brown in view of Hokao teaches the mobile terminal of **claims 1 and 10 above**, and Brown further discloses wherein said terminal comprises a mobile phone (col. 1, lines 40-46).

Consider **claim 20**, Brown discloses a method and a mobile terminal for providing user data pertaining to a user of a mobile terminal (FIG. 1 for wireless device 2) to a recommender system (FIGS. 1 and 2, col. 5 lines 5 lines 11-19 for PMI server 24 with PIM database 22) of a consumer electronic device (FIGS. 1 and 2, col. 5 lines 5 lines 11-19 for server 4), the method comprising the steps of:

determining, by the terminal, a current location of the terminal (See Col. 4 lines 21-27), wherein said current location is determined after receiving a initiating signal, said initiating signal being one of a user input and a received signal (See Col. 7 lines 12-18, note that the input mechanism allows the user to input initiating signal, see Col 4 lines 49-55);

saving [, in the terminal,] an identifier of the determined location, based on a longevity of said terminal in an area proximate said current location (See Col 10 lines 26-30 and Col 14 lines 21-25, note that event identifier, the event identifier includes location identifier, see Col 13 lines 62-64); and

informing, by means of the terminal, said recommender system (e.g. PIM server "user data filtering system") of at least one past determined location (See Col 8 lines 47-54, note that the PIM server filter out relevant user information after receiving location information and records, see Col 6 lines 1-5); and

said recommender system is arranged for proposing content related to said at least one past determined region (see FIGS. 9a and b col. 11 lines 29-39, the proposing content is

considered as calendar information).

However, Brown fails to explicitly disclose the step of saving, *in the terminal*, an identifier of the determined location, based on a longevity of said terminal in an area proximate said current location is done in the terminal; and wherein said saving step comprises determining a length of time for which the terminal stays in a region.

In the same field of endeavor, Hokao discloses saving, in the terminal, an identifier of the determined location, based on a longevity of said terminal in an area proximate said current location; and wherein said saving step comprises determining a length of time for which the terminal stays in a region (FIG. 3, col. 6 line 52 to col. 7 lines 3 for memory section 8 or recording medium 9 of a mobile unit; and col 7 line 64 to col. 8 line 20 for cell (claimed area or region) identification n (cell n) and cumulative stay time T(n) stored in the memory section 8).

Therefore, it would have been obvious to a person or ordinary skill in the art at the time the invention was made to incorporate storing stay times and identification of a cell in a memory of a mobile station as taught by Hokao to the wireless device as disclosed by Brown for purpose of calculating accumulative stay time in an area (with a certain identification) in the memory of the wireless device.

Allowable Subject Matter

6. **Claims 5-8** are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

7. **Claims 14-17** would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Response to Arguments

8. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. Any response to this Office Action should be **faxed to** (571) 273-8300 **or mailed to**:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

10. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Allahyar Kasraian whose telephone number is (571) 270-1772. The Examiner can normally be reached on Monday-Thursday from 8:00 a.m. to 5:00 p.m.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Rafael Pérez-Gutiérrez can be reached on (571) 272-7915. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free) or 571-272-4100.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

/Allahyar Kasraian/

Examiner, Art Unit 2617

/Rafael Pérez-Gutiérrez/

Supervisory Patent Examiner, Art Unit 2617